

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Cosmetology Arts and Sciences hereby gives Notice of Intended Action to amend Chapter 60, “Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences,” and Chapter 61, “Licensure of Salons and Schools of Cosmetology Arts and Sciences”; and to rescind Chapter 63, “Sanitation for Salons and Schools of Cosmetology Arts and Sciences,” Iowa Administrative Code, and adopt a new chapter with the same title.

The proposed amendments reorganize and clarify the application requirements for new cosmetology schools. The amendments also revise the definition of a salon and clarify the responsibilities of salon owners and licensees who work in those salons to be consistent with today’s business practices of independent owners operating smaller areas within a larger salon. Sanitation requirements have been updated to be more consistent with national standards. Only technical amendments are proposed for the continuing education rules.

Interested parties were provided an opportunity to comment on the proposed amendments prior to their publication. The proposed amendments were pre-noticed on August 9, 2009, and sent to cosmetology schools and to individuals who have requested to be notified of revisions to the Board’s administrative rules. Comments were due on the pre-noticed amendments by September 1, 2009. The Board received written comments from the Iowa Cosmetology School Association (ICSA). The Board reviewed the ICSA’s comments prior to noticing the rules. ICSA did not object to the majority of the proposed amendments. Comments received by ICSA included:

- Question as to why the Board wished to delete the phrase “make every effort” in subrule 61.15(3). In the Board’s opinion, it is important that there always be two instructors on duty to ensure that students are receiving adequate supervision and instruction.

- Concern about losing the 10 percent excused absences when accounting for attendance. After discussions with the Iowa Department of Education and with the Board’s legal counsel, the Board is moving forward with amending subrule 61.18.(1) to remove the 10 percent allowance for excused absences because Iowa Code section 157.10 requires that students complete 2,100 clock hours or 70 semester credit hours. Allowing a 10 percent absence does not fulfill Iowa Code requirements.

- Preference that the rules allow for disinfectants to be stored in the dispensary or at the work station. The Board believes that it is extremely important to public safety that students have disinfectant solution quickly available at the work station to instill good sanitation practices in students before they enter the salon environment.

- Proposal that nippers, tweezers, and comedone extractors be added to subrule 63.13(1) for public protection. Nippers, tweezers, and comedone extractors are implements and tools of the profession and it is not necessary to identify the implements by name.

- Concern about the requirement to disinfect curling irons and hair dryers with an antimicrobial spray. The Board agreed with ICSA that it could be unsafe to spray electrically based items that generate heat with potential flammable sprays and amended subrule 63.13(5) accordingly.

Any interested person may make written comments on the proposed amendments no later than December 22, 2009, addressed to Ella Mae Baird, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail ebaird@idph.state.ia.us.

A public hearing will be held on Tuesday, December 22, 2009, from 1 to 1:30 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 157 and 272C.

The following amendments are proposed.

ITEM 1. Rescind the definition of “Trainee” in rule ~~645—60.1(157)~~.

ITEM 2. Rescind rule ~~645—60.7(157)~~ and adopt the following new rule in lieu thereof:

~~645—60.7(157) Licensure by endorsement.~~ The board may issue a license by endorsement to any applicant from the District of Columbia or another state, territory, province or foreign country who has held an active license under the laws of another jurisdiction for at least 12 months during the past 24 months.

60.7(1) Applicants shall submit to the board a completed application and pay the licensure fee specified in ~~645—subrule 5.5(1)~~.

60.7(2) Applicants shall provide verification of license(s) in a cosmetology practice discipline from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

- a. Licensee’s name;
- b. Date of initial licensure;
- c. Current licensure status; and
- d. Any disciplinary action taken against the license.

60.7(3) Applicants who graduated from a cosmetology school prior to January 1, 2000, shall have passed the state written and practical examination required by the state in which the applicants were originally licensed.

60.7(4) Applicants who graduated from a cosmetology school after January 1, 2000, shall have passed a national theory examination.

ITEM 3. Amend rule ~~645—61.2(157)~~ as follows:

~~645—61.2(157) Salon licensing.~~ No person shall operate a salon unless the owner has obtained a license issued by the board. A separate enclosed area inside a salon that is operated as an independent business for the purpose of providing cosmetology services shall be considered its own salon and shall not operate unless a salon license is obtained.

~~61.2(1) to 61.2(6)~~ No change.

ITEM 4. Rescind rule ~~645—61.5(157)~~ and adopt the following new rule in lieu thereof:

~~645—61.5(157) Display requirements for salons.~~

61.5(1) Every salon shall have a sign visible outside the entrance designating the place of business.

61.5(2) The most current salon renewal card shall be posted in the front entrance area at eye level so that it is visible to the public.

61.5(3) The most current license renewal card for each licensee working in the salon shall be visibly displayed in the front entrance area at eye level.

61.5(4) If the licensee works in more than one salon, the current renewal card shall be posted in the primary place of practice, and the licensee shall have the current wallet card in the licensee’s possession.

61.5(5) Each licensee shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

ITEM 5. Rescind rule 645—61.7(157) and adopt the following new rule in lieu thereof:

645—61.7(157) Licensure for schools of cosmetology arts and sciences.

61.7(1) An application for a school license shall be submitted 90 days prior to the anticipated opening day of the school to the Board of Cosmetology Arts and Sciences, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. The application shall include:

a. A complete plan of the physical facilities and an explanation detailing how the facilities will be utilized relative to classrooms, clinic space, and a mentoring program;

b. A list of the names of licensed instructors for the proposed school if the instructors have been hired by the school; and

c. Copies of the catalog, brochure, enrollment contract, student policies, and cancellation and refund policies that will be used by the school or distributed by the school to students and the public.

61.7(2) Prior to the issuance of the school license, the school shall:

a. Submit a final list of licensed instructors for the school. The number of instructors must meet the requirement outlined in Iowa Code section 157.8 with the exception of instructors for the mentoring program;

b. Submit the school's course of study, which shall meet the requirements outlined in rule 645—61.14(157); and

c. Meet the requirements of this chapter and 645—Chapter 63 and pass the board's inspection of the facility.

61.7(3) The school owner may be interviewed by the board.

61.7(4) After all criteria have been met, the school license shall be granted for the location(s) identified in the school's application.

61.7(5) Instruction of students shall not begin until the school license is issued and has been approved by the college student aid commission.

61.7(6) Incomplete applications that have been on file in the board office for more than two years shall be considered invalid and shall be destroyed. The records will be maintained after two years only if the applicant submits a written request to the board.

61.7(7) A change of location shall require submission of an application for a new school license and payment of the license fee. A change of address without a change of actual location shall not be construed as a new site.

61.7(8) A school license is not transferable. A change in ownership of a school shall require the issuance of a new license. "Change in ownership" means any change of controlling interest in any corporation or any change of name of sole proprietorship or partnership.

a. A school cannot be sold if disciplinary actions are pending.

b. The board may request legal proof of the ownership transfer.

c. If a school owner sells the school, that owner must send the license certificate and a report of the sale to the board within 10 days of the date on which the sale is final. The owner of the school on record shall retain responsibility for the school until the notice of sale is received in the board office.

d. The owner shall notify the board in writing of a change of name or address within 30 days after the occurrence and, in addition, shall return the current certificate and pay the reissued certificate fee as specified in rule 645—5.5(147,157).

ITEM 6. Adopt the following new paragraph **61.8(2)"c"**:

c. Schools shall successfully complete the annual inspection pursuant to Iowa Code sections 157.6 and 157.8.

ITEM 7. Amend subrule 61.15(3) as follows:

61.15(3) The number of instructors for each school of cosmetology arts and sciences shall be based upon total enrollment, with a minimum of 2 instructors employed on a full-time basis for up to 30 students and an additional instructor for each additional 15 students. The school shall ~~make every effort to~~ have 2 instructors on duty during school hours. A student instructor shall not be used to meet licensed instructor-to-student ratios. ~~However, a~~ A school operated by an area community college prior

to September 1, 1982, with only 1 instructor per 15 students is not subject to this subrule and may continue to operate with the ratio of 1 instructor to 15 students. A student instructor shall not be used to meet licensed instructor-to-student ratios.

ITEM 8. Amend subrule 61.18(1) as follows:

~~61.18(1) When determining student hours, a school may define its attendance requirements to include 100 percent attendance for the course length or may allow excused absences for not more than 10 percent of the course length for satisfactory completion. Schools shall ensure:~~

~~a. Students complete the hours required for each course of study set forth by rule 645—61.14(157).~~

~~b. Student attendance policies shall be are applied uniformly and fairly.~~

~~b. c. Appropriate credit shall be is given for all hours earned.~~

~~e. d. All retake tests, projects to be redone and makeup work shall be are completed without benefit of additional hours earned, and it shall be at the Time scheduled for such work will be scheduled at the school's discretion to schedule the time.~~

~~d. e. Hours or credit shall is not be added to the accumulative student record as an award, or deducted from the accumulative student record as a penalty.~~

ITEM 9. Amend subrule 61.22(3) as follows:

61.22(3) Prior to closure, the controlling school shall establish agreements with another school to maintain student and graduate transcripts and records. Prior to closure, the controlling school shall also notify the board in writing of the location of student records as established by the maintenance agreements and shall submit a copy of the maintenance agreements to the board. Provisions in the agreement must include maintenance of student transcript records for a period of no less than two years.

ITEM 10. Rescind 645—Chapter 63 and adopt the following **new** chapter in lieu thereof:

CHAPTER 63

SANITATION FOR SALONS AND SCHOOLS OF COSMETOLOGY ARTS AND SCIENCES

645—63.1(157) Definitions. For purposes of these rules, the following definitions shall apply:

“Disinfectant” means an agent intended to destroy or irreversibly inactivate specific viruses, bacteria, or pathogenic fungi, but not necessarily their spores, on inanimate surfaces.

“Disinfection” means the procedure that kills pathogenic microorganisms, but not necessarily their spores.

“Dispensary” means a separate area to be used for the storing and dispensing of supplies and sanitizing of all implements.

“FDA” means the federal Food and Drug Administration.

“Germicide” means an agent that destroys germs.

“Sanitization” means the procedure that reduces the level of microbial contamination so that the item or surface is considered safe.

“School” means a school of cosmetology arts and sciences.

“Sterilization” means the procedure that kills all microorganisms, including their spores.

“Universal precautions” means practices consistently used to prevent exposure to blood-borne pathogens and the transmission of disease.

645—63.2(157) Posting of sanitation rules and inspection report. A copy of the most current sanitation rules and the most recent inspection report shall be posted in the front entrance area at eye level in the salon or school for the information and guidance of all persons employed or studying therein and the general public.

645—63.3(157) Responsibilities of salon owners. Each salon owner shall ensure the following:

1. Individuals employed for cosmetology arts and sciences services or other licensees working in the salon hold a current and active license issued by either the board of cosmetology arts and sciences or the board of barbering;

2. Licensees employed by the salon or other licensees working in the salon do not exceed their scope of practice; and

3. License renewal cards are properly displayed in the front entrance area at eye level. No license which has expired or become invalid for any reason shall be displayed in connection with the practices of the salon.

645—63.4(157) Responsibilities of licensees. Licensees are responsible for:

1. Their own permanently assigned station areas;
2. Holding a current and active license issued by the board of cosmetology arts and sciences or the board of barbering; and
3. Ensuring that they do not exceed their scope of practice.

645—63.5(157) Joint responsibility. Salon owners and licensees are jointly responsible for all common areas and employee areas.

645—63.6(157) Building standards. Salons and schools shall have and maintain:

1. A service area that is equipped with exhaust fans or air filtration equipment that is of sufficient capacity to be capable of removing chemical fumes from the air;
2. An area for the storing and dispensing of supplies and sanitizing of all implements;
3. A reception area;
4. Hot and cold running water and clean lavatory facilities;
5. Safe drinking water;
6. Hand-washing facilities;
7. Adequate lighting;
8. Work surfaces that are easily cleaned; and
9. A complete first-aid kit in a readily accessible location on the premises. At a minimum, the first-aid kit must include adhesive dressings, gauze and antiseptic, tape, triple antibiotics, eyewash, and gloves.

645—63.7(157) Salons in residential buildings.

63.7(1) A salon located in a residential building shall comply with all requirements in rule 645—63.5(157).

63.7(2) A separate entrance shall be maintained for salon rooms in a residential building. An exception is that an entrance may allow passage through a nonliving area of the residence, i.e., hall, garage or stairway. Any door leading directly from the licensed salon to any portion of the living area of the residence shall be closed at all times during business hours.

645—63.8(157) Salons adjacent to other businesses. A salon operated adjacent to any other business shall be separated by at least a partial partition. When the salon is operated immediately adjacent to a business where food is handled, the business shall be entirely separated, and any doors between the salon and the business shall be rendered unusable except in an emergency.

645—63.9(157) Smoking. All salons licensed by the board shall comply with the smokefree air Act found in Iowa Code chapter 142D.

645—63.10(157) Personal cleanliness. All licensees and students who engage in serving the public shall be neat and clean in person and attire.

645—63.11(157) Universal precautions. All licensees and students shall practice universal precautions consistently by observing the following.

63.11(1) Students and licensees shall thoroughly wash hands and the exposed portions of arms up to the elbow with antibacterial soap and water before providing services to each client.

63.11(2) Every salon shall have a sharps container for disposing of used needles, razor blades and other sharp instruments. These containers shall be located as close to the use area as is practical.

63.11(3) Disposable material that will release blood or other potentially infectious materials in a liquid or semiliquid state if compressed shall be placed in a red hazardous waste bag and disposed of in accordance with the regulations for removal of hazardous waste.

63.11(4) Licensees and students shall wear disposable gloves to prevent exposure to blood, bodily fluids containing visible blood, or bodily fluids to which universal precautions apply.

63.11(5) Licensees and students shall refrain from all direct client care and from handling client-care equipment if the licensee has weeping dermatitis or draining lesions.

63.11(6) Instruments and implements shall be disinfected pursuant to rule 645—63.12(157).

63.11(7) Instruments and supplies that have been used on a client or soiled in any manner shall be placed in the proper receptacles.

63.11(8) Disinfectant solution shall be stored in the dispensary and at each work station.

645—63.12(157) Blood spill procedures.

63.12(1) If a student or licensee injury occurs, the following steps shall be taken before the student or licensee returns to service.

- a. Clean the injured area.
- b. Apply antiseptic or liquid or spray styptic and cover the injury with the appropriate adhesive dressing.
- c. Cover injured area with finger guard or glove as appropriate.
- d. Clean client and station.
- e. Dispose of all contaminated objects in accordance with subrules 63.10(2) and 63.10(3).
- f. Clean hands with antimicrobial cleanser.

63.12(2) If a client injury occurs, the following steps shall be taken:

- a. Stop service.
- b. Glove hands of students or licensees.
- c. Clean injured area as appropriate and apply antiseptic or liquid or spray styptic as appropriate.
- d. Cover the injury with the appropriate dressing to prevent further blood exposure.
- e. Clean station.
- f. Dispose of all contaminated objects in accordance with subrules 63.10(2) and 63.10(3).
- g. Clean hands with antimicrobial cleanser before returning to service.

645—63.13(157) Disinfecting instruments and equipment.

63.13(1) All tools and implements must be disinfected by complete immersion in an EPA-registered, bactericidal, virucidal, fungicidal, pseudomonocidal, and tuberculocidal that is effective against HIV-1 and human Hepatitis B virus. The disinfectant shall be mixed and used according to the manufacturer's directions.

63.13(2) Disinfected implements shall be stored in a disinfected, dry, covered container and shall be isolated from contaminants.

63.13(3) Disinfectant solutions shall be changed at least once per week or whenever visibly dirty.

63.13(4) If instruments and equipment specified in this rule are sterilized in accordance with the requirements outlined in rule 645—63.15(157), the requirements of this rule shall be fulfilled.

63.13(5) Scissors, trimmers, clippers, handles of hair dryers and curling irons, and other implements that cannot be immersed in a disinfectant shall be cleaned and disinfected after each use.

63.13(6) Cleaning and disinfection standards for electric file bits are as follows:

- a. After each use, diamond, carbide, natural and metal bits shall be cleaned by using either an ultrasonic cleaner or immersing each bit in acetone for five to ten minutes.
- b. Debris, diamond, carbide, natural and metal bits shall be disinfected by complete immersion in an appropriate disinfectant immediately after removal of all visible debris and before use on the next client.

c. Buffing bits shall be cleaned with soap and water or washed with detergent in a dishwasher or washing machine following use on each client.

d. Arbor or sanding bands or sleeves are single-use items and shall be discarded immediately after use.

645—63.14(157) Instruments and supplies that cannot be disinfected. Instruments and supplies that come into direct contact with a patron and cannot be disinfected, for example, cotton pads, sponges, applicators, emery boards, nail buffers, arbor or sanding bands, sleeves, toe separators and neck strips, shall be disposed of in a waste receptacle immediately after use.

645—63.15(157) Sterilizing instruments. Before use upon a patron in schools and salons, cuticle nippers, tweezers and comedone extractors shall first be cleaned with detergent and water and then sterilized by one of the following methods:

1. Steam sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions;

2. Dry heat sterilizer, registered and listed with the FDA and used according to the manufacturer's instructions; or

3. Sterilization equipment, calibrated to ensure that it reaches the temperature required by the manufacturer's instructions.

645—63.16(157) Sanitary methods for creams, cosmetics and applicators.

63.16(1) Liquids, creams, powders and cosmetics used for patrons must be kept in closed, labeled containers.

63.16(2) All fluids, semifluids and powders must be dispensed with an applicator or from a shaker, dispenser pump, or spray-type container.

a. Applicators made of a washable, nonabsorbent material shall be sanitized before being used again; and

b. Applicators made of wood shall be discarded after one use.

645—63.17 Reserved.

645—63.18(157) Prohibited hazardous substances and use of products and equipment.

63.18(1) No salon or school shall have on the premises cosmetic products containing substances which have been banned or otherwise deemed hazardous or deleterious by the FDA for use in cosmetic products. Prohibited products include, but are not limited to, any product containing liquid methyl methacrylate monomer and methylene chloride. No product shall be used in a manner that is not approved by the FDA. Presence of a prohibited product in a salon or school is prima facie evidence of that product's use in the salon or school.

63.18(2) No salon or school shall have on the premises any razor-edged device or tool which is designed to remove skin. The presence of such equipment shall be prima facie evidence of the equipment's use.

63.18(3) Fish pedicures are prohibited in salons and schools.

63.18(4) No salon or school shall have chamois buffers. If chamois buffers are observed in the workplace, their presence shall be prima facie evidence of their use.

645—63.19(157) Proper protection of neck. A shampoo apron, haircloth, or similar article shall not be placed directly against the neck of a patron but shall be kept from direct contact with the patron by means of a paper neckband or clean towel. A neckband of paper shall not be used more than once. Towels or cloth neckbands shall not be used more than once without proper laundering.

645—63.20(157) Proper laundering and storage. All cloth towels, robes and similar items shall be laundered in a washing machine with laundry detergent used according to the manufacturer's directions.

A clean storage area shall be provided for clean towels and linen, and a hamper or receptacle shall be provided for all soiled towels, robes and linens.

645—63.21(157) Pets. Dogs (except dogs providing assistance to individuals with physical disabilities), cats, birds, or other animals shall not be permitted in a salon. This rule does not apply to fish in an aquarium provided the aquarium is maintained in a sanitary condition.

645—63.22(157) General maintenance. All areas of the salon and school shall be clean and in good repair.

63.22(1) Walls, floors, and fixtures must be kept clean and in good repair at all times.

63.22(2) After January 1, 2010, carpeting is not permitted in the working area of the establishment unless the carpeting was installed prior to January 1, 2010. Carpeting shall only be allowed in the reception and hooded dryer areas.

645—63.23(157) Records. Client records and appointment records shall be maintained for a period of no less than three years following the last date of entry. Proper safeguards shall be provided to ensure the safety of these records from destructive elements.

645—63.24(157) Salons and schools providing electrology or esthetics. A salon or school in which electrology or esthetics is practiced shall follow the sanitation rules and requirements pertaining to all salons and schools and shall also meet the following requirements:

1. The electrology or esthetics room shall have adequate space, lighting and ventilation.
2. The floors in the immediate area where the electrology or esthetics is performed shall have an impervious, smooth, washable surface.
3. All service table surfaces shall be constructed of impervious, easily cleanable material.
4. Needles, probes and lancets shall be single-client use and disposable.

645—63.25(157) Cleaning and disinfecting circulating and noncirculating tubs, bowls, and spas.

63.25(1) After use for each client:

- a. Drain the water and remove any visible debris;
- b. Clean the surfaces according to the manufacturer's instructions, remove all film, and rinse the tub, bowl, or spa basin;
- c. Fill the tub, bowl, or spa basin with water and add an EPA-registered, bactericidal, virucidal, fungicidal, pseudomonacidal, and tuberculocidal that is effective against HIV-1 and human Hepatitis B virus. The disinfectant shall be mixed and used according to the manufacturer's directions.
- d. Allow the disinfectant to stand for noncirculating tubs, bowls, or basins or to circulate for circulating tubs, bowls, or basins for the time specified according to the manufacturer's instructions.
- e. After disinfection, drain and rinse with clean water.

63.25(2) At the end of the day, remove all removable parts, such as filters, screens, drains, and jets, and clean and disinfect the removable parts as follows:

- a. Scrub with a brush and soap or detergent until free from debris, and then rinse.
- b. Completely immerse in an EPA-registered, bactericidal, virucidal, fungicidal, pseudomonacidal, and tuberculocidal that is effective against HIV-1 and human Hepatitis B virus. The disinfectant shall be mixed and used according to the manufacturer's directions.
- c. Rinse and air dry.
- d. Replace the disinfected parts into the tubs, bowl, or basin or store the parts in a disinfected, dry, covered container that is isolated from contaminants.

63.25(3) For each pedicure station, a record shall be made of the date and time of the daily cleaning and disinfecting. This record shall be made at or near the time of cleaning and disinfecting. Records of cleaning and disinfecting shall be made available upon request by a patron, inspector or investigator. The record must be signed by a licensee and include the licensee's license number beside each recorded cleaning event. Foot spa records shall be maintained for two years from the date of the cleaning.

645—63.26(157) Paraffin wax. Paraffin wax shall be used according to the manufacturer’s instructions and shall be used in such a manner so as not to contaminate the remaining wax in the paraffin bath. The following procedures apply:

1. The client shall be free of broken skin or any skin disorder;
 2. Hands or feet of a client shall be cleaned and sanitized before being dipped into paraffin wax;
 3. Paraffin wax that has been removed from a client’s hands or feet shall be discarded after each use; and
 4. Paraffin wax shall be kept free of any debris and kept covered when not in use.
- These rules are intended to implement Iowa Code section 147.7 and chapter 157.

ITEM 11. Amend paragraph **64.2(3)“a”** as follows:

a. A licensee in this state shall be required to complete a minimum of 8 hours of ~~board-approved~~ continuing education, ~~of which~~ that meets the requirements of rule 645—64.3(157,272C). A minimum of 4 hours of the 8 hours shall be in the prescribed practice discipline. A and a minimum of 2 hours of the 8 hours shall be in the content areas of Iowa cosmetology law and rules and sanitation. Individuals holding more than one active license shall obtain 4 hours of ~~board-approved~~ continuing education in each prescribed practice discipline and an additional 2 hours in the content areas of Iowa cosmetology law and rules and sanitation.

ITEM 12. Rescind paragraph **64.3(2)“c”** and adopt the following **new** paragraph in lieu thereof:

c. Excluded content areas for continuing education include, but are not limited to, any program or training that is outside the scope of practice in accordance with the definitions found in Iowa Code section 157.1 or that does not enhance professional competency relating to the practice discipline. Bloodletting, cupping and ear candling are excluded content areas.

ITEM 13. Amend subrule 65.2(12) as follows:

65.2(12) Conviction of a ~~felony~~ crime related to the profession or occupation of the licensee or the conviction of any ~~felony~~ crime that would affect the licensee’s ability to practice. A copy of the record of conviction or plea of guilty shall be conclusive evidence.